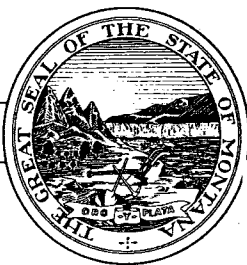


OFFICE OF THE STATE PUBLIC DEFENDER



BRIAN SCHWEITZER
GOVERNOR

RANDI HOOD
CHIEF PUBLIC DEFENDER

STATE OF MONTANA

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44 WEST PARK STREET
BUTTE, MONTANA 59701

February 1, 2007

Members of the Legislative General Government and Transportation
Appropriations Subcommittee
c/o Chair Janna Taylor
P.O. Box 201711
Helena, MT 59620-1711

EXHIBIT

DATE

HB

1
2-5-07
Pub. Defender

Dear Chair Taylor and Members of the Appropriations Subcommittee:

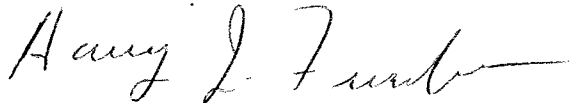
This letter provides responses to questions that were asked by various subcommittee members during the Office of the State Public Defender (OPD) budget hearing on Wednesday, January 31, 2007.

1. What is the number of Native American Attorneys currently employed by OPD?
 - o Answer: As of February 1, 2007 OPD employs seven Native Americans attorneys. This number represents approximately 7 percent of OPD's total attorney workforce.
2. What is the number of Native American clients served by OPD?
 - o Answer: Currently OPD's intake forms do not ask clients to provide information regarding ethnic group. However, the most recent information received from the Montana Board of Crime Control indicates that the number of offenses committed by Native Americans in Montana was 4,906. Of this amount OPD estimates that 4,780 could result in loss of liberty (jail time). OPD has no data on the number of these individuals that would qualify for our services.
3. What is the number of cases by volume represented by internal vs. private attorneys?
 - o Answer: OPD's most recent data shows that 21,694 cases have entered the Public Defender System as of January 31, 2007. Of this number, 6,729 or 31 percent were serviced by outside attorneys and 14,965 or 69 percent were serviced by state-hired attorneys. OPD expects to reduce the number of cases serviced by outside attorneys as state staffed offices become fully staffed and operational.

4. What is OPD's average pay by type of position?
- o Answer: Please refer to attachment A.
5. What are OPD's goals for outreach to Native Americans?
- o Answer: Page 8 of OPD's strategic plan indicates that the agency's emphasis on Native American issues are as follows:
 1. Investigate and correct any role the public defender system plays in the disproportionate representation of Native Americans in our justice system.
 2. Ensure adequate education and training on the impact of the Indian Child Welfare Act in dependent and neglect cases.
 3. Coordinate with the Tribal Governments and those providing indigent defense services in the Tribal Courts.

If I can provide any further information, please call me at 406-496-6084.

Sincerely,



Harry J. Freebourn
Administrative Director

CC: Pat Gervais, Legislative Fiscal Division
Randi Hood, Chief Public Defender
Brent Doig, Budget Analyst for the Office of Budget and Program Planning
James Park Taylor, Chairman, Montana Public Defender Commission

ATTACHMENT A**Pay by Type of Position**

Date of Report 01/24/2007

Positions Allocated to the Office of the State Public Defender	FTE	Band	Entry	Market	Maximum	Ranges of Current Staff	
Accountants	1.00	6	\$ 32,470	\$ 40,588	\$ 48,706	\$ 33,768	
Accounting Techs	3.50	3	\$ 19,881	\$ 24,851	\$ 29,821	\$ 20,800	\$ 23,400
Administrative Assistants	1.00	3	\$ 20,053	\$ 25,066	\$ 30,079	\$ 22,000	\$ 35,150
Administrative Assistants	17.00	4	\$ 24,063	\$ 30,079	\$ 36,095	\$ 24,000	\$ 35,150
Administrative Support Supervisor	1.00	5	\$ 32,851	\$ 41,064	\$ 49,277	\$ 40,000	
Clinical Psychologist	1.00	7	\$ 47,467	\$ 59,334	\$ 71,201	\$ 55,000	
Computer Programmer	1.00	6	\$ 40,157	\$ 50,196	\$ 60,235	\$ 49,348	
Fiscal Manager	1.00	7	\$ 40,521	\$ 50,651	\$ 60,781	\$ 52,000	
Human Resource Specialist	1.00	7	\$ 40,095	\$ 50,119	\$ 60,143	\$ 48,583	
Criminal Investigators	16.00	5	\$ 32,279	\$ 40,349	\$ 48,419	\$ 28,500	\$ 35,360
IT Manager	1.00	7	\$ 52,230	\$ 65,287	\$ 78,344	\$ 55,120	
Legal Secretaries	18.50	3	\$ 20,572	\$ 25,715	\$ 30,858	\$ 20,904	\$ 32,489
Managing Lawyers	3.00	7	\$ 52,070	\$ 65,088	\$ 78,106	\$ 51,189	\$ 55,000
Managing Lawyers	7.00	8	\$ 62,484	\$ 78,106	\$ 93,727	\$ 58,000	\$ 64,000
Network Administrators	4.00	5	\$ 30,856	\$ 38,570	\$ 46,284	\$ 32,000	\$ 39,520
Paralegal Assistants	11.00	4	\$ 26,942	\$ 33,678	\$ 40,414	\$ 24,900	\$ 35,360
Secretaries	4.00	2	\$ 17,802	\$ 22,252	\$ 26,702	\$ 19,000	\$ 20,194
Appellant Defender	1.00	Exempt				\$ 75,000	
Chief Public Defender	1.00	Exempt				\$ 93,600	
Contract Manager	1.00	Exempt				\$ 75,000	
Deputy Public Defender Attorneys	11.00	Exempt				\$ 65,000	\$ 75,000
Executive Director	1.00	Exempt				\$ 67,600	
Training Manager	1.00	Exempt				\$ 75,000	
Short Term Worker	0.25	Exempt				\$ 7	\$ 10 per hour
Student Intern	0.25	Exempt				\$ 15	\$ per hour
Lawyer	74.75		Union Currently Negotiating Salary			\$ 40,000	\$ 62,000
Total Positions Filled	183.25						
Vacant Positions							
Non Lawyer	3.75						
Lawyer	5.50						
Total FTE	192.50						